REMARKS

Claims 1-10, 13 and 14 are pending in this application. By this Amendment, claim 12 is cancelled without prejudice to or disclaimer of the subject matter contained therein, and claims 1 and 8 are amended to recite features recited in cancelled claim 12. No new matter is added by any of these amendments.

Applicant appreciates the courtesies extended to Applicant's representative, Mr. Thielman, by Examiner Nguyen during the September 21, 2005 personal interview. In accordance with MPEP §713.04, the points discussed during the interview are incorporated in the remarks below and constitute Applicant's record of the interview.

Reconsideration based on the following remarks is respectfully requested.

I. Amendment Entry After Final Rejection

Entry of this amendment is proper under 37 CFR §1.116 because the amendments: a) place the application in condition for allowance for all the reasons discussed herein; b) do not raise any new issues requiring further search or consideration; c) place the application in better condition for appeal if necessary; and d) address formal requirements of the Final Rejection and preceding Office Action.

The foregoing amendments do not raise any new issues after Final Rejection because the features of cancelled claim 12 and incorporated into claims 1 and 8 have already been examined. Therefore, entry of the amendments is proper under 37 CFR §1.116 because the amendments place the application in condition for allowance. Accordingly, Applicant respectfully requests entry of this Amendment.

II. Claims 1-10, 13 and 14 Define Patentable Subject Matter

The Office Action rejects claims 1-10 and 12-14 under 35 U.S.C. §103(a) over U.S. Patent 5,818,436 to Imai *et al.* (Imai) in view of U.S. Patent 6,689,965 to Fleck. This

rejection is rendered moot with respect to claim 12, and is respectfully traversed with respect to the remaining claims.

Imai and Fleck, alone or in combination do not teach or suggest an information recording and reproducing apparatus, comprising a recording mode selecting device that includes a recording position designating portion for designating a certain position in an input area; a recording switch that outputs a recording start signal and a recording end signal of sound data in response to a switching of the switch in response to the recording position designating portion indicating that the certain position is within a certain area of the input area; a coordinate on data detecting device that detects coordinate data of the certain position in the input area designated by the position designating portion; a designated coordinate data storing device that stores the coordinate data detected by the coordinate data detecting device as designated coordinate data; a written information inputting device that includes an input position designating portion for inputting written information by designating the certain position in the input area, wherein the coordinate data detecting device detects coordinate data of a position designated by the position designating portion of the written information inputting device, wherein the written information inputting device further includes an erase designating portion for erasing the written information by designating the certain position in the input area; a sound data storing device that starts recording the sound data in association with the designated coordinate data in response to an output of the recording start signal and that ends recording in response to an output of the recording end signal; and a sound data erasing device that erases the sound data from the sound data storage device if all of the written information is erased from the input area, as recited in claim 1.

Also, Imai and Fleck, alone or in combination fail to teach or suggest a storage medium storing an information recording and reproducing program that can be read by a computer, the program comprising a coordinate data detecting routine detecting coordinate

data of a designated position on an input area designated by a recording position designating portion of a recording mode selecting device that outputs at least one of a recording start signal and a recording end signal of sound data by switching of a switch in response to the recording position designating portion indicating that the certain position is within a certain area of the input area; a designated coordinate data storing routine storing the coordinate data detected by the coordinate data detecting routine as designated coordinate data; a sound data storing routine starting recording of the sound data in association with the designated coordinate data in response to an output of the recording start signal, and ending recording in response to an output of the recording end signal; an erasing detecting routine detecting coordinate data of a designated position on the input area designated by an erasure position designating portion of an erasing mode selecting device that outputs an erasing start signal by switching the switch; and a sound data erasing routine erasing the sound data from the sound data storage device if all of the written information is erased from the input area, as recited in claim 8.

Instead, Imai discloses a recording and playback device. In particular, Imai teaches a recording section 1, a time generating section 2, an event storage section 3, a recognizing section 10. Also, Imai teaches a continuous data playing back section 5, a specifying section 6, a play back controlling section 7, a displaying section 8, and a display control section 9 (col. 4, lines 9-26, 58 – col. 5, line 13 and Figs. 1 and 2 of Imai).

The Final Office Action asserts at page 6 that "it is obvious to provide to erasures of sound data if all o[f] the stroke is erased" [*sic*]. Applicant respectfully disagrees. Nowhere does Imai teach or suggest erasure of sound, whether in conjunction with erasure of pen stroke data (col. 7, lines 1-15 and Fig. 4 of Imai) or otherwise. Further, stroke-by-stroke erasure is not what is claimed. Rather, Applicant's claims recite features that "erases the sound data if all of the written information is erased" (emphasis added).

During the interview Applicant's representative explained that Imai fails to teach or suggest erasure of the sound data if all of the written information is erased. The Examiner disagreed and asserted that Imai teaches erasure on the screen of all the input events associated with the sound data (col. 11, lines 13-20 and Fig. 16 of Imai).

Applicant respectfully asserts that Imai discloses clearing the screen before initiating audio-visual playback of a previously recorded sequence. However, Applicant's claims are directed to erasing the sound data from the sound storage device, effectively deleting the recording from memory, in response to complete erasure of the corresponding written information. Thus, Imai clearly fails to teach or suggest these claimed features.

Fleck does not compensate for the deficiencies of Imai.. Instead, Fleck discloses a digitizer with a menu strip area. In particular, Fleck teaches a tablet having a menu strip area 103 with elevated or depressed physical features such as a projecting wall 183, to assist a user in determining by tactile sense a specific menu area of the tablet (col. 10, lines 13-31 and Fig. 15b of Fleck). The mean strip area taught in Fleck represents a physical demarcation, rather than a recording position designation portion of the input area, as recited in Applicant's claimed features.

A *prima facie* case of obviousness for a §103 rejection requires satisfaction of three basic criteria: there must be some suggestion or motivation either in the references or knowledge generally available to modify the references or combine reference teachings, a reasonable expectation of success, and the references must teach or suggest all the claim limitations (MPEP §706.02(j)). Applicant asserts that the Final Office Action fails to satisfy these requirements with Imai and Fleck.

For at least these reasons, Applicant respectfully asserts that the independent claims are patentable over the applied references. The dependent claims are likewise patentable over the applied references for at least the reasons discussed, as well as for the additional features

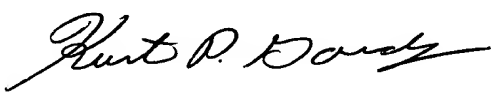
they recite. Consequently, all the claims are in condition for allowance. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. §103 be withdrawn.

III. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



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JAO:KPG/tea

Attachment:
Petition for Extension of Time

Date: October 20, 2005

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